



Case Student Handbook > Judicial Procedures

University Disciplinary Process

Any member of the University community may notify the University Office of Student Affairs of a violation of the University Standards of Conduct, or to file a grievance. The matter will be evaluated by the Vice President for Student Affairs or his designee to determine if the matter should be referred to one or more hearing boards/processes:

- Housing, Residence Life, and Greek Life Hearing Processes
- University Student Affairs Hearing Processes
- Office of Diversity and Inclusion Informal Grievance Processes (Discrimination/Disability Claims)
- Graduate Studies Hearing Processes
- Professional (Business/Dental/Law/Medical/Nursing/Social Sciences) School Hearing Processes
- Human Resources Hearing Processes
- Faculty Hearing Processes
- Pet Policy Investigation Process
- Sexual Assault Policy Processes
- Sexual Harassment Policy Processes
- IFC and Panhellenic Boards

RIGHTS

Any member of the university community accused of violating a rule or regulation is entitled to adequate notice of all charges, a fair hearing, and to protection of their educational records.

STANDARD OF PROOF

A standard of proof is the measure of how convinced a decision maker must be about the facts of a case to reach a decision. The standard of proof for all student conduct proceedings is the preponderance of the evidence standard. This means that more likely than not that the student is responsible for a violation of community standards. The guilty beyond a reasonable doubt standard used in criminal cases in the legal system does not apply in university proceedings.

CONFIDENTIALITY

Case Western Reserve adheres to the Family Education Rights and Privacy Act (FERPA), which protects the privacy of student educational records. In some cases, information may be shared among appropriate university officials if there is a legitimate educational interest or with others as permitted by FERPA.

JUDICIAL RECORDS

When formal disciplinary action is taken, a confidential file is created in the office responsible for the judicial proceedings. These files are maintained at least as long as the student is enrolled at the University.

Students are entitled to review their files under FERPA. If a student believes the record contains inaccurate or misleading information or violates a student's right of privacy, they may request a meeting with the Director of Judicial Affairs to request that the record be amended. If the student's request is denied, the student may appeal the decision to the University Judicial Committee or the Vice President for Student Affairs designee for a hearing. The hearing will be conducted and a final decision made concerning whether the record should be amended. If the decision is made to not amend the records, the student has the right to

student's record a written statement contesting information and/or giving reason for disagreement with the decision to the record.



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Interim Separation

The University, through the University Office of Student Affairs, reserves the right to suspend any student whose behavior indicates that his or her continued presence on campus constitutes a danger to the normal functions of the institution, to others, or to the student him/herself. The process for this separation involves the following steps:

1. The student will be notified in writing of the interim separation and the reasons for the action.
2. The student will be provided a preliminary hearing with the vice president for Student Affairs or his/her designee before separation takes effect unless it is impossible or unreasonably difficult to do so.
3. The student may be required to have a risk assessment, the results of which may be used in the hearing.
4. The regular hearing will follow the procedure outlined under the appropriate process.

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Informal Grievance

Case has established the following procedure whereby students of the university may file a grievance. The following procedure applies:

1. The student(s) initiating the grievance process prepares a written statement that includes the following:
 - a. The nature of the problem(s)
 - b. The name(s) of the individual(s) involved
 - c. The result of any previous effort made to resolve the problem
2. This statement is sent to the Office of Student Affairs, which then contacts the person(s) named in the statement to resolve the matter informally.
3. Should an informal discussion fail to resolve the problem, the Office of Student Affairs requests a written statement from the individual(s) accused and, if appropriate, arranges a hearing.



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Administrative Hearing

In cases heard administratively, the following procedures apply:

1. A University judicial officer designated by the Assistant Vice President for Student Affairs will notify the student of time, and location of an administrative hearing with the Assistant Vice President for Student Affairs or his/her designee.
2. The hearing is generally closed and includes only the accused student(s) and the Assistant Vice President or designee.
3. The Assistant Vice President for Student Affairs or his/her designee will review all information and testimony by the student(s) and make a decision.
4. The Assistant Vice President or designee will notify the student(s) in writing of the decision and what sanctions, if imposed.
5. The student(s) will be informed of the right to appeal this decision.



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University Judicial Board

In cases heard by the University Judicial Board, the following procedures apply:

1. The student will be notified in writing of the date, time, and location of the hearing. Generally, a hearing will not be less than 48 hours after notification.
2. The University Judicial Board includes the following:
 - a. the Assistant Vice President for Student Affairs or his/her designee
 - b. an administrative representative from Undergraduate Studies
 - c. one student
3. Hearings are closed and confidential.
4. A confidential record is made of the hearing.
5. All parties may request a submission of written factual accounts by witnesses and may request that the witnesses the hearing.
6. An accused student may review any evidence that may be introduced 48 hours prior to the hearing.
7. The accused student may have an adviser of his or her choice. The sole role of this person is to advise the student. The adviser may neither address the board nor participate in the proceedings.
8. The accused student may hear and question all witnesses. Questions may be directed to the Chair of the University Judicial Board.
9. The accused student will be recalled after the deliberations if found responsible and if priors exist.
10. The University Judicial Board will make its decision promptly and notify appropriate parties in writing. Disciplinary action will be disclosed to any person or persons who have been victimized by a student or students found responsible for the offense and to University personnel when appropriate.
11. The Chair will inform the student of the right to appeal the decision.



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Sanctions

- **Disciplinary warning:** The student receives a written notice that continuation or repetition of conduct that has been wrongful or inappropriate, within a period of time stated in the warning, will be cause for more serious disciplinary action. A letter of warning creates a disciplinary file in Student Affairs.
- **Disciplinary probation:** The student is notified that he or she is no longer in good social standing with the University. Further violation of University regulations during the probation will likely result in disciplinary separation. A file is maintained in Student Affairs. Students on disciplinary probation are generally ineligible to represent the University in intercollegiate activities, hold an elected or appointed office or committee chairmanship in any campus organization, or pledge a fraternity or sorority for a set period of time as set forth in the probation.
- **Disciplinary separation:** A student must withdraw from the University for a definite period, usually effective the date of the hearing, for a specified number of semesters. Separation from academic coursework includes exclusion from all academic and co-curricular activities as well. A disciplinary file is created in Student Affairs, and a copy of the notification letter is placed in the student's academic file in the appropriate dean's office.
- **Expulsion:** An individual's status as a student of the University may be permanently terminated.
- **Other:** Based on the outcome of the University Judicial Board or Administrative Hearing, disciplinary sanctions may be imposed on a student for violation of established University rules and regulations.

As part of any disciplinary sanction, the following types of conditions may be applied:

1. Restitution
2. Fines (money to be used to benefit student life)
3. Compensatory services
4. Community services
5. Rehabilitative activities



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Appeals

Students have the right to appeal decisions of the Academic Integrity Board, the **University Judicial Board**, or the **University Administrative Hearing**. The **appeal form** must be submitted to the Vice President for Student Affairs within five business days of receipt of the written decision and must specify the grounds for the appeal.

The grounds on which an appeal may be filed include the following:

1. New information not available to the board which, if available at the time of the hearing, may have affected the decision
2. Evidence that established procedures were not followed in a manner that may have affected the decision
3. The sanction was inappropriate for the violation

The Vice President for Student Affairs or his/her designee will review the Case and determine whether to refer it to the Appeals Board.

The University Appeals Board consists of a chairperson, two faculty members, and two student members. The board will review the Case on the record alone and may deny the appeal, grant the appeal, or modify the sanctions. The Board will communicate its decision, in writing, to the Vice President for Student Affairs. On receipt of the Board's recommendation, the Vice President will notify the student of the decision. The decision of the University Appeals Board is final.

